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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,135	07/12/2005	Steven G E Aerts	NL 030052	9781

65913 7590 03/11/2008

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EXAMINER	
NEWLIN, TIMOTHY R	
ART UNIT	**PAPER NUMBER**
2623	

NOTIFICATION DATE	DELIVERY MODE
03/11/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/542,135	AERTS, STEVEN G E	
	Examiner	Art Unit	
	TIMOTHY R. NEWLIN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/5/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyce et al., US 5,717,816.

3. Regarding claims 1 and 11, Boyce discloses a method of caching a part of digital content data from a content source (202), comprising the step of:

acquiring the digital content data from the content source (202) **[col. 7, 22-22 and 36-39;]**, characterized in that

said part of the digital content data comprises interleaved segments (130; 131) of the acquired digital content data **[col. 1, col. 7, 57-63** , and

said interleaved segments (130; 131) of the acquired digital content data are stored in a first memory (203), thereby allowing for fast access to said part of the digital content data **[storage device 15, Fig. 1; col. 8, 1-6; cols. 8-9, 66-4]**.

4. Regarding claims 2 and 12, Boyce discloses a method wherein the digital content data are digital audio and/or video data **[col. 5, 25-27]**.

5. Regarding claims 3 and 13, Boyce discloses a method characterized in that the method further comprises playing back the digital content data stored on the content source (202) **[the term "playing back" in claim 3 is construed broadly to encompass either normal or "trick" playback, and is thus anticipated by either normal or trick play, both of which are disclosed by Boyce; see col. 6, 29-67 for a discussion including "normal playback"]**, and that the storing of said interleaved segments (130; 131) takes place at or after replay **[TDPE 9 receives full rate bitstream and stores interleaved segments at the same time normal play takes place, col. 7, 17-67; col. 9, 41-55; col. 11, 48-53]**.

6. Regarding claims 4 and 14, Boyce discloses a method characterized in that the storing of the interleaved segments (130; 131) depends on parameters, which at least take account for a probability of replay and/or an acquisition time **[segments are stored based on acquisition time, col. 9, 11-40]** .

7. Regarding claims 5 and 15, Boyce, discloses a method characterized in that the digital content data are video data in MPEG format and that the interleaved segments of the acquired digital content data are I-pictures **[col. 5, 25-35]**.

8. Regarding claims 6 and 16, Boyce discloses a method characterized in that each of the interleaved segments (130; 131) of the acquired digital content data is a continuously acquired part of the digital content data from the content source (202) **[col. 7, 22-39]**.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 7, 8, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce as cited above in view of Logan, US 2004/0255330.

11. Regarding claims 7 and 17, Boyce does not teach the use of the buffers as an anti-shock mechanism. Logan discloses storing a contiguous first part of the digital content data in a second memory (204), which contiguous part (121) of the digital content data is suitable for use as anti-shock buffer data **[para. 54]**. It would have been obvious to one skilled in the art to combine Boyce with Logan in order to utilize separate buffers to prevent interruptions in playback caused by skipping or shock. Since Boyce

already teaches simultaneous buffering **[see Fig. 1B]**, it would have been clear that using a second normal-playback buffer would achieve that benefit.

12. Regarding claims 8 and 18, official notice is taken that it is well-known and common in the art of signal processing to include logically separate memories in a single circuit. One of ordinary skill, given the multiple buffers disclosed by Boyce, one of ordinary skill would realize the advantage of consolidating buffers into a single circuit in order to conserve space in the receiver and lower cost by eliminating redundant components.

13. Claims 9, 10, 19, and 20 are rejected as obvious over Boyce as cited above. Boyce does not explicitly describe the source of the incoming data stream. However, official notice is taken that receiving data from a storage medium or remote source via a network is a basic concept in the art of video distribution and processing. It would have been obvious to one skilled in the art that the received MPEG video data stream described by Boyce could originate from a storage medium or via a network. (Indeed, the video data in Boyce must have, at some point, resided on a storage medium of some kind, and is transmitted over via a network that is not explicitly described). Reciting a storage medium as a content source or receiving data via a network does not distinguish the invention over Boyce and therefore claims 9 and 10 are rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY R. NEWLIN whose telephone number is (571)270-3015. The examiner can normally be reached on M-F 9-6 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRN

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